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| In re Application of | : | |
| AOKI et al. | : | |
| Application No. 10/030,822 | : | |
| PCT No.: PCT/JP99/03862 | : | DECISION |
| Int. Filing Date: 16 July 1999 | : | |
| Priority Date: None | : | |
| Attorney Docket No.: 111673 | : | |
| For: EXPOSURE METHOD AND SYSTEM | : | |

This is a decision on "Petition to Vacate 903 Filing Date and to Grant New 35 U.S.C. 371 Date" filed via facsimile on 26 September 2002.

BACKGROUND

On 16 July 1999, applicants filed international application PCT/JP99/03862. A proper Demand was filed with International Preliminary Examination Authority prior to the 19th month from the international filing date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the international filing date, i.e., 16 January 2002.

On 16 January 2002, applicants timely filed a request to enter into the national stage under 35 U.S.C. 371 along with the appropriate basic national filing fee, a copy of the international application, and a translation of the international application.

On 01 April 2002, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(e).

On 10 April 2002, applicants filed a declaration and power of attorney.

On 10 May 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 10 April 2002.

On 26 September 2002, applicants filed "Petition to Vacate 903 Filing Date and to Grant New 35 U.S.C. 371 Date" which included, inter alia: a copy of the declaration and

power of attorney; a Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371; and a postcard receipt dated 16 January 2002.

DISCUSSION

Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

The 26 September 2002 petition states that "the declaration was filed on January 16, 2002. A copy of the PCT Transmittal, Declaration filed and the date-stamped postcard are attached." The accompanying copy of the post card receipt identifies the application by applicant, application number, and docket number. The receipt itemizes, inter alia, a "PCT Trans. Letr., (and) Declaration." The receipt is stamped "OIPE 16 JAN 2002" across its face and is sufficient to indicate that the combined declaration and power of attorney was in fact received in the Office on 16 January 2002. The Office records show payment was received.

A review of the application papers reveals that applicant has completed all the requirements of 35 U.S.C. 371 for entry into the national stage.

CONCLUSION

Applicants' request for issuance of a corrected Notification of Acceptance and Official Filing Receipt is GRANTED.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 10 May 2002 is hereby VACATED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) and Official Filing Receipt which identifies a date of 16 January 2002 under 35 U.S.C. 371(c). Thereafter, the application will be forwarded to Art Unit 2812.



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